

February 28, 1973

CLERK: Page 10, line 21.

SENATOR MURPHY: I would not bother to ask anyone here what they were doing on the 28th of November last at 2:45 in the afternoon, and yet this bill permits the complainant ninety days in which to register his complaint at which time the man complained against, might not only be dead, but he certainly would have forgotten, probably the incident and any supportive testimony he might have gotten in his defense from people who might have been there at the time. I think ninety days notice is wholly unreasonable, I think twenty four hours should be a maximum, in order to prepare a man to defend himself against what could result a charge, that could result in imprisonment, or fine.

SPEAKER: Is there further discussion of that amendment?
Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the legislature, I tried to stay out of the Chamber the entire time this bill is being discussed, but in the same way Senator Murphy - Senator Murphy may I ask you a question?

SENATOR MURPHY: You do, but I reserve one alternative, if I don't know the answer I get to lie profoundly.

SENATOR CHAMBERS: Very good, okay. If you wouldn't mind would you explain to me what your amendment does before I make a comment?

SENATOR MURPHY: The law as I read it, says that a man who has been discriminated against can wait ninety days before he reports such discrimination, and I maintain that no one who is going to be asked to defend himself in court against a possible fine and imprisonment, should be made to wait ninety days to try and recall who might have been a supporting witness, I think that if there has been an offense, it should be made known within twenty four hours to the man, if he is going to be complained against. Now if I've been discriminated against, I certainly know it now, and I see no occasion to wait ninety days until all evidence and all possible recourse and defense on this man's part is lost.

SENATOR CHAMBERS: Senator Murphy, are you aware of the fact that in most legal actions, and this is quasi legal, that there is a certain number of days given during which you can determine whether you're going to take action or not?

SENATOR MURPHY: I would imagine that to be true, yes. It occurs to me that many law suits are instituted at the end of a two year period for exactly that express purpose, to make it as indefensible as possible on the part of the defendant. I think this is wrong.

SENATOR CHAMBERS: Would you be in favor of taking every statute, every ordinance, every administrative regulation, which has any thing to do with the filing of a complaint and require that that complaint be filed within twenty four hours, or there is no legal remedy?

SENATOR MURPHY: Having no particular acquaintance with all of these laws Senator, I would prefer to confine myself to this law which I am here, which I'm going to be asked to vote on and which in it's present form, I consider improper. If I am offended I know it today, not ninety days from now.

SENATOR CHAMBERS: I'm trying to establish a principle, do you feel that twenty four hours might an unreasonably short time just like you feel ninety days is unreasonably long?